

**DAY PITNEY LLP**

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**ATTORNEYS FOR** Defendant  
United Parcel Service, Inc.

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

JOHN WELCH,

Plaintiff,

-against-

UNITED PARCEL SERVICE, INC. d/b/a  
UPS,

Defendant.

: Civil Action 09-cv-4400 (ADS)

:

**NOTICE OF MOTION FOR  
SUMMARY JUDGMENT**

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**ELECTRONICALLY FILED**

:

**Oral Argument Requested**

TO: Rashmee Sinha, Esq.  
Frank & Associates, P.C.  
500 Bi-County Boulevard  
Suite 112N  
Farmingdale, NY 11735

COUNSEL:

PLEASE TAKE NOTICE that the undersigned, attorneys for defendant, United Parcel Service, Inc. ("UPS"), hereby moves before Honorable Arthur D. Spatt, U.S.D.J. of the United States District Court for the Eastern District of New York in Central Islip, New York, for the entry of an Order dismissing the Amended Complaint in its entirety, with prejudice, pursuant to F.R.C.P. 56; and

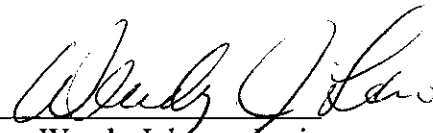
PLEASE TAKE FURTHER NOTICE that in support of the within motion, defendant shall rely upon defendant's Brief in Support of the Motion, Statement of Material Undisputed Facts, and the Affirmation of Wendy Johnson Lario, submitted herewith; and

PLEASE TAKE FURTHER NOTICE that defendant hereby requests oral argument; and

PLEASE TAKE FURTHER NOTICE that this motion is timely filed in accordance with Honorable Arthur D. Spatt's April 15, 2011 briefing schedule; and

PLEASE TAKE FURTHER NOTICE that defendant hereby requests that the proposed form of Order submitted herewith be entered by the Court.

DAY PITNEY LLP  
Attorneys for Defendant  
United Parcel Service Inc.,

By:   
Wendy Johnson Lario  
A Member of the Firm

DATED: May 16, 2011